

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of South Carolina. This lawsuit is being filed in the Columbia Division because a substantial part of the events or omissions giving rise to the claims alleged in this suit occurred within the Columbia Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant Siemens Maintenance Services, LLC (“Defendant”) has continuously been a Delaware corporation doing business in the State of South Carolina and the City of Columbia, and has continuously had at least twenty (20) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission’s representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. On or around February 2006, Defendant engaged in unlawful employment practices in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. §623(a)(1) when Defendant failed to select Kenneth Dewalt because of his age. Specifically, on or around December 10, 2005, Mr. Dewalt applied for a field services technician position located in Columbia, South Carolina. At the time of his application, Mr. Dewalt was 57 years old and well qualified for the position. Despite his qualifications, Mr. Dewalt was rejected for employment and the position was filled by someone outside his protected class. On or around February 2006, Defendant selected a 30 year old for the field services technician position.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Kenneth Dewalt of equal employment opportunities and otherwise adversely affect his status as an applicant for employment because of his age.

9. The unlawful employment practices complained of in paragraph 7 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in unlawful hiring practices and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Grant a judgment requiring Defendant to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Kenneth Dewalt, whose wages are being unlawfully withheld as a result of the acts complained of above.

D. Order Defendant to make whole Kenneth Dewalt by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful-place hiring and front pay.

E. Grant such further relief as the Court deems necessary and proper in the public interest.

F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 27th day of June, 2007.

Respectfully submitted,

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